

## 7. Reports of Harm, Serious Harm and Death on Active Cases

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**7.0 PURPOSE:** The purpose of this section is to provide standard procedures for the handling of reports of harm, serious harm and deaths, on active child protective service cases.

### 7.1 AUTHORITY:

A	45 CFR 1340.14	Reporting by mandated and nonmandated persons to a child protective agency or constituted authority
B	45 CFR 1340.15	Reporting of medical neglect including the withholding of medically indicated treatment from a disabled infant with a life-threatening condition
C	CHAP 346-14, HRS	Establishment and administering of programs, standards and adoption of rules for protection of abused and neglected children
D	CHAP 350-1, HRS	Review of who must report, how reports are to be submitted, confidentiality of reports
E	CHAP 350-2, HRS	Action on reporting
F	CHAP 350-3, HRS	Immunity from liability
G	CHAP 587-21, HRS	Investigative process
H	CHAP 587-22, HRS	Protective Custody by police officers without a court order
I	CHAP 587-23, HRS	Authorization for color photographs, x-rays and radiological exam
J	CHAP 587-24, HRS	Temporary foster custody without court order

K	ACT 369, SLH '97	Child death review process
L	ACT 134, SLH '98	Child protective review panel
M	<a href="#">HAR 920.1-7</a>	Authorization for services
N	<a href="#">HAR 920.1-8</a>	Confidentiality
O	<a href="#">HAR 920.1-11</a>	Verification of reports
P	<a href="#">HAR 920.1-12</a>	Registration of reports
Q	<a href="#">HAR 920.1-15</a>	Social assessment
R	<a href="#">HAR 920.1-16</a>	Disposition
S	<a href="#">HAR 920.1-17</a>	Foster custody
T	<a href="#">HAR 920.1-18</a>	Casework services
U	<a href="#">HAR 920.1-21</a>	Risk assessment

## 7.2 OVERVIEW

When reports of harm or threatened harm are received regarding children who currently receive protective services, necessary and timely action needs to be taken to insure the child's(ren) safety and well being. The fact that the child(ren) is already known and being served for protective reasons by DHS places his/her risk level at a different threshold than other child(ren) not known to DHS. The child welfare system intervenes when children are identified as victims of maltreatment and manage threats of danger to prevent recurrence of maltreatment.

A new incident of harm and threatened harm as defined in HRS 350 refers to a new incident or episode where a child is harmed or at risk of threatened harm. A new incident occurs after a prior incident or episode. A new incident of harm can be the same type of harm or threatened harm if it occurred again or if it persists. Second complainants are limited to capturing information from callers reporting additional information on an existing report of maltreatment.

Recurrence of maltreatment is a subsequent confirmed maltreatment report of a child that has already been confirmed as a victim of maltreatment regardless of whether the case is open or closed. Current measures of this safety indicator included the subsequent confirmed reports of child as a victim of abuse and neglect within a 6-month period from the prior confirmation of the child as a victim.

Recurrence of maltreatment can increase the possibility for negative outcomes for children. It is important to make efforts to prevent recurrence of maltreatment through thorough assessments and interventions.

CAPTA Section 106(b)(2)(B)(iv) requires states to have procedures for the immediate screening, risk and safety assessment, and prompt investigation of reports of child abuse and neglect. This includes subsequent reports of maltreatment.

**ALL** reports on OPEN, active cases that require investigations may be completed by a CWS social worker not assigned to the case at the discretion of the unit supervisor or Section Administrator in order to give the ongoing CWS social worker another perspective of the family dynamics and safety issues.

Payment-only cases are not considered active protective services cases thus any reports received regarding children in these cases are to be treated and processed as a report on an unknown child/family. Cases that are closed on the CPSS are not considered active, thus any intake or reports on those cases will be processed as any new report received. The only exception is a report of death or serious abuse (as defined in sub-section 7.4) on a case closed within 90 days of the report.

### **7.3 REPORTS OF HARM OR THREATENED HARM ON ACTIVE PROTECTIVE SERVICES CASES**

#### **7.3.1 Intake Responsibilities**

**All** reports, regardless of who makes the complaint; the ongoing CWS social worker, a service provider or the community, must be directed to the intake CWS unit/social worker where they will be processed for appropriate follow-up.

- A. Process of handling a complaint:
1. The intake CWS social worker will take all the information from the caller and ask appropriate questions to elicit necessary facts in order to further assess the validity of the complaint.
  2. After receiving all the facts available from the caller, the intake CWS social worker may also make collateral contacts (with the ongoing CWS social worker, ongoing CWS unit supervisor, police, etc.) to help in the disposition of the complaint.
  3. **ALL** reports on active child protection cases, regardless of the age of the child, will be assessed by using the Intake Assessment Tool criteria.

**Any intake that receives an overall assessment on the Intake Assessment Tool criteria of a safety concern or high risk with an accompanying statement by a doctor that the child would have died without intervention, must follow the procedures as outlined In Sub-section 7.4 concerning reports of death and serious harm on active cases.**

4. If the child is in imminent danger, and the report is received after hours, the Intake CWS social worker, in coordination with a Stand-by or afterhours worker, if applicable will take whatever action is necessary to insure the child's safety, such as removal of child or the alleged maltreater from the home. The CWS intake social worker, in coordination with a Stand-by or afterhours worker, if applicable will also be responsible for the medical application and Title IV-E notice.
5. For reports received during business hours, if the child is in imminent danger or the maltreater will not leave the home, the CWS intake social worker will immediately contact the ongoing CWS unit supervisor and request assistance in the removal of the child.

The ongoing CWS unit, in the process of assisting the

CWS intake social worker, will be responsible for the pre-placement physical as well as initiating all the Title IV-E notices, medical applications, and request for a foster home by completing a DHS 1508.

6. Second complainants may be used to document information from callers reporting additional information on an existing report of maltreatment.

B. Reports determined to warrant investigation:

1. If the report meets the criteria for investigation pursuant to departmental procedures, the report needs to be sent to a CWS unit for immediate crisis intervention response. The Intake Assessment Tool, is to be attached to the intake.
  - a. If a disposition has not been entered for the prior intake and the intake has been open for less than 60 days, create a new intake.
  - b. If a disposition has not been entered for the prior intake and the intake has been open for more than 60 days, create a new intake.
  - c. If a disposition has been entered for the prior intake, create a new intake.
  - d. If the report is on a Voluntary Case Management case that was referred from CWS Assessment with a completed disposition, create a new intake.
  - e. If the report is on a Voluntary Case Management case that was referred from Intake or the Crisis Response Team without a disposition, create a new intake and reference the prior intake and concerns in the new intake. The worker conducting the investigation will review the prior intake and address both prior and current concerns to complete a comprehensive assessment.
  - f. If the report is on a payment only case, create a new intake in a new case under the parent/legal guardian and not under the payment case.
  - g. If the report is on a R/NA or FSS report, add a second complainant to the existing intake.

Second complainants may be used to document information from callers reporting additional information on an existing report of maltreatment.

2. The intake CWS social worker will submit intake to the intake CWS supervisor for review.
  3. The intake CWS supervisor will review the intake and concur with the disposition prior to sending the information to the CWS unit.
    - a. If a case is in a CWS unit, the case will be assigned to another CWS unit according to the regular new reports assignment procedures, at the discretion of the or Section Administrator.
  4. A sanitized copy of the intake is to be submitted to the proper law enforcement contact, which includes local or military police, pursuant to section (island) protocols.
  5. A copy of the intake is to be sent to both the active CWS unit and ongoing section administrator for informational purposes only.
- C. Reports determined **NOT** to warrant investigation:
1. If the report does not meet the criteria for investigation pursuant to departmental procedures, the intake CWS social worker will enter the information into the CPSS, using the CA52 screen. The screen will be titled **\*\*\*CASE CONCERN\*\*\*** which will flag the entry as a report of concern that did not warrant investigation. Only the intake CWS social worker/unit will be allowed to use this entry title on the CPSS 52 screen.

The intake CWS social worker will enter "ACC" (active case concern) in the type of contact field.

If the report is on a payment only case, the payment only case is not considered an active social services case. If a report is made on a payment only case that does not warrant an investigation the report will be documented as a new Intake in a new case, as

applicable based on the level of intervention.

The intake CWS social worker will summarize the information, the name of the reporter, if the name was shared, and the reason why the report did not meet the criteria for CWS investigation.

The intake CWS social worker will type his/her name and date of input on the CA52 screen.

- a. If a disposition has not been entered for the prior intake and the intake has been open for less than 60 days, document the concerns in a log of contact titled "\*\*\*CASE CONCERN\*\*\*".
- b. If a disposition has not been entered for the prior intake and the intake has been open for more than 60 days, document the concerns in a log of contact titled "\*\*\*CASE CONCERN\*\*\*".
- c. If a disposition has been entered for the prior intake, document the concerns in a log of contact titled "\*\*\*CASE CONCERN\*\*\*".
- d. If the report is on a Voluntary Case Management case that was referred from CWS Assessment, document the concerns in a log of contact titled "\*\*\*CASE CONCERN\*\*\*".
- e. If the report is on a Voluntary Case Management case that case from was referred from Intake or the Crisis Response Team without a disposition, document the concerns in a log of contact titled "\*\*\*CASE CONCERN\*\*\*".
- f. If the report is on a payment only case and is assessed as moderate risk, create a new Intake and new case under the parent/legal guardian (ICF 06/07/11) and not under the payment case and refer the family to Voluntary Case Management Services (VCM).
- g. If the report is on a payment only case and is assessed as low risk, create an R/NA Intake under the parent/legal guardian and refer the family to Family Strengthening Services (FSS).
- h. When parents decline or do not participate in VCM services, the intake will be elevated, as appropriate, via a 2<sup>nd</sup> complainant.

2. The intake CWS social worker will share the CA52 screen and submit to the intake CWS supervisor and appropriate section administrator for review.
3. The intake CWS supervisor will review the report and provide further consultation if needed.

### 7.3.2 Assessment Unit Responsibilities

A. Reports of "Case Concern" that do not warrant an investigation:

1. The assessment CWS unit supervisor will review the information contained in the print out of the CPSS 52 screen.
2. Regardless of the level of the assigned CWS social worker, the CWS unit supervisor will discuss the information with the assigned CWS social worker to determine the type of contact within 5 days based on the information contained in the report and case dynamics.
3. The attached print out of CPSS screen 52 is to be filed in PART II of the case record, in chronological order with the other intakes.
4. Section Administrators or supervisors, as assigned will review all logs of active case concerns and 2nd complaints on active cases and determine whether a new report will be made.

B. Intakes that warrant investigation:

**ALL** reports on active cases that warrant investigation shall be sent to the appropriate CWS unit for investigation and for appropriate action. In order to assure the greatest objectivity, the investigation on active cases in either the assessment or permanency phase may not automatically be assigned to the assessment CWS social worker who had prior contact with the family.

If different from the current worker, the only role of the CWS social worker conducting the assessment for reports of re-harm is to either confirm or not confirm the report and insure the safety of the child. The assessment CWS social worker will conduct appropriate interviews and collateral contacts as quickly as possible in order to determine the validity of the report.

**ALL** reports are to be sent to the CWS unit supervisor for review and assignment pursuant to unit procedures. Due to the timeliness of assignment, the CWS unit supervisor needs to ensure that there are unit procedures that take into consideration the assignment process when the supervisor is out of the office on the day the intake is received.

1. **Reports on cases that are active in the Assessment Phase:**

- a. The assessment CWS unit supervisor will meet with the assigned assessment CWS social worker on the case and discuss the new report and the need for appropriate action within 4 hours of receipt of the report.
  - i. Cases that are less than 60 days active are still considered to be in the investigative stage, thus the new intake is to be included as part of the investigative process. This intake will then be assigned to the current CWS social worker at the discretion of the unit supervisor and/or Section Administrator.
  - ii. Reports on cases that are **over 60 days** active but are still in the CWS unit need to be assigned to a different CWS social worker for investigation at the discretion of the unit supervisor and/or Section Administrator.

The procedures outlined in "Reports on cases that are active in the Permanency Phase" [Section 7.3.2(B).2 below] are to be followed, including the case conferences with

the unit supervisor, ongoing CWS social worker, petition the Family Court, and the written directions.

- b. The CWS unit supervisor will document in CPSS CA52 that the intake was received in the unit and that the case was assigned for investigation.
- c. When the investigation is completed, and the information has been entered into the CPSS (screens CU36, CU39, CA50, CA60, CA62, CA64), the CWS social worker will meet with the unit supervisor to discuss the disposition.
- d. The CWS unit supervisor is to return the intake, attached CPSS 62 screen print out (which is the full dictation of the investigation pursuant to departmental procedures) and other supporting documents to the ongoing CWS social worker assigned to the case for proper filing in the case record.

**NOTE:** When the intake is not assigned to the ongoing CWS social worker, the CWS social worker who does the investigation is to enter a short statement on the CPSS 52 screen that states an intake was received, investigated by that CWS social worker and case was returned to ongoing CWS social worker for follow up. A reference can be made to review CPSS screen 62 for details.

- e. The intake, with the attached print out of CPSS 62 screen, which will indicate the date of the print out, thus deterring any changes to the data are to be filed in PART II of the case record, in chronological order with the other intakes in the case.

The supporting documents are to be filed appropriately in the case record pursuant to departmental procedures.

### 2. Reports on cases that are active in the

### Permanency Phase:

- a. The CWS unit supervisor will assign the intake within 4 hours of receipt, excluding weekends and holidays, pursuant to unit procedures.
- b. The CWS unit supervisor will document in CPSS, the name of the assigned CWS social worker to investigate the new intake report and the date the intake was assigned.
- c. The newly assigned CWS social worker will contact the ongoing CWS social worker within 4 hours of assignment to discuss the case, the current situation and the details of the new intake report. If the ongoing CWS social worker is not available, the newly assigned CWS social worker is to discuss the case with the ongoing CWS unit supervisor.
- d. The CWS social worker investigates the intake and completes a disposition within the required timeframe for an investigation. All regular procedures regarding investigation are to be followed, which include contact with collaterals, family, and the victim(s).
  - i. The CWS social worker is to take any action necessary to insure the safety of the child, which could include removal of the child from the family home.
    - (a) If the child is **NOT** known to the Family Court and needs immediate removal and the family is not cooperative, the CWS social worker conducting the assessment is to follow all regular procedures, which includes involvement of the police for protective custody, physical examination, and placement.

**The newly assigned CWS social worker**  
will be responsible for the petition and report

to the court for Temporary Foster Custody.

- (b) If the child is **NOT** known to the Family Court and needs immediate removal and the family is cooperative, the newly assigned CWS social worker will, if appropriate, secure a voluntary foster placement agreement with the parents and then follow all regular procedures which include a physical examination and placement.

**The ongoing CWS social worker** will be responsible for the petition and report for Foster Custody.

- (c) If the child **IS** known to the Family Court under the status of Family Supervision, and needs immediate removal from the family home, the CWS social worker will follow all regular procedures which would include a physical examination and placement.

**The ongoing CWS social worker** will be responsible for filing a motion for Foster Custody which must be completed within 10 days of removal and change from court mandated Family Supervision to Foster Custody.

- ii. If any child is removed from the family home or substitute placement by the newly assigned CWS social worker, the ongoing CWS social worker **MUST** be notified **within 24 hours (one work day)** of the action in order to start any necessary paperwork which would include foster board payments, notice of placement, medical applications, Title IV-E notices, request for a foster home by completing the DHS 1503, as well as any court reports as indicated.

- e. The **CWS social worker** conducting the **assessment** will complete the necessary CPSS screens (CA36, CU39, CA60, CA62 and CA64, CA50).

If the child is removed, CPSS screens CU22, CU24, CA28, CA50 (for placement), RU10 and RU15 will be completed **by the ongoing** CWS social worker.

- f. **Dictation:**

- i. CPSS CA62 screen:

The newly assigned CWS social worker is to complete all dictation pertaining to the investigation by using the CPSS CA62 screen. Data should include dates of all contacts and the type of contacts and then to summarize the investigation and the reason for the disposition pursuant to departmental procedures. The newly assigned CWS social worker **must** also indicate areas of concern and recommended follow up.

- ii. CPSS CA52 screen:

The newly assigned CWS social worker, when finished with the investigation, is to enter a single entry on the CPSS CA52 screen stating the date he/she received the intake, disposition and the date the report and accompanying documents are returned to the ongoing CWS social worker for follow up. Reference can be made to the CPSS CD62 for details.

- g. Once the disposition and CPSS screens are completed (within one week of receipt of the intake), the newly assigned CWS social worker is to return the intake, supporting documents and a print out of the CPSS 62 screen to the CWS unit

supervisor for review.

- h. The CWS unit supervisor will review the investigation and disposition and, if in agreement with the decision of the newly assigned CWS social worker, send all the information to the ongoing CWS unit supervisor.

### 7.3.3 Ongoing Unit Responsibilities

A. Reports of "Case Concern" that do not warrant investigation:

1. The ongoing CWS unit supervisor will review the information contained in the CPSS 52 screen, initiated by the intake CWS supervisor.
2. Regardless of the level of the assigned CWS social worker, the ongoing CWS unit supervisor will discuss the information with the assigned CWS social worker to determine the type of contact within 5 days based on the information contained in the report.
3. The ongoing CWS unit supervisor will indicate the date of receipt of the information and the date the information was given to the assigned CWS social worker with the attached print out of the CPSS 52 and may document actions in a CA52 using "RCC" (Response to Case Concern) in the type of contact field.
4. The attached print out of CPSS screen 52 is to be filed in PART II of the case record, in chronological order with the other intakes. The original of the CPSS 52 screen is **never** to be removed.
5. The CWS social worker will document all actions to respond to the concerns using the CA52 code "RCC" (Response to Case Concern) in the type of contact field.

B. Intakes and completed investigations received from the Assessment worker:

1. The ongoing CWS unit supervisor is to review the intake, the disposition and all the supporting documentation

sent by the CWS unit that conducted the assessment.

2. Regardless of the level of the assigned ongoing CWS social worker, the ongoing CWS unit supervisor is to discuss the intake and disposition with the assigned CWS social worker within 24 hours of receipt. Follow up, as recommended by the CWS unit that conducted the assessment, is to be discussed and put into action, which could include petitioning or noticing the court.
3. The ongoing CWS unit supervisor is to indicate the date the information was received in the unit and given to the ongoing CWS social worker may document actions using the CA52 using code "RCC" (Response to Case Concern) in the type of contact field.
4. The ongoing CWS unit supervisor is to give the intake, CPSS 62 printout and all supporting documentation to the assigned CWS social worker to file in the case record.
5. The intake, and print out of the CPSS screen 62, (which will indicate the date of the print out, thus deterring any changes to the date) are to be filed in PART II of the case record, in chronological order with the other intakes.

The supporting documents are to be filed wherever they belong in the case record pursuant to departmental procedures.

6. The CWS social worker will document all actions to respond to the concerns the CA52 using code "RCC" (Response to Case Concern) in the type of contact field.
- C. When the ongoing CWS unit supervisor/social worker disagree with the disposition of the CWS unit that conducted the assessment:
1. The ongoing CWS unit supervisor is to first discuss the intake and disposition with the assigned CWS social worker within 24 hours of receipt of the report.

Any disagreement with the decisions of the CWS unit that conducted the assessment must be based on facts in the case.

2. CWS unit supervisor will indicate disagreement with the disposition, the reasons why and that resolution will be sought.
3. The ongoing CWS unit supervisor must contact the CWS supervisor of the unit that conducted the assessment to discuss the differences in opinion.

If a resolution cannot be worked out between the supervisors, a meeting between the CWS unit social worker and supervisor that conducted the assessment, the ongoing CWS unit social worker and supervisor, and the section administrator of the ongoing CWS unit must take place within 72 hours of the ongoing unit's receipt of the intake and disposition from the CWS unit that conducted the assessment.

4. After discussion, a decision must be reached as to the proper course of action on the case. The section administrator will make the final decision if there is still no agreement among the social workers and supervisors.
5. Once an agreement has been reached, the ongoing CWS unit supervisor will indicate the decision and follow up that will be taken.
6. If there is to be a different disposition or follow up, the ongoing CWS unit supervisor will then update screen 62 using a CU62 to indicate a change in disposition or follow-up due to a meeting held (give date) and who was there. This information is to follow the original input by the assessment CWS social worker. The ongoing CWS unit supervisor is to type his/her name and date of the added information. The CPSS 62 screen is then to be re-printed and attached to the intake. The first print out of the CPSS 62 screen can be destroyed as it is not the complete report.

7. The ongoing CWS unit supervisor will then give the intake, attached print out of the CPSS 62 screen, and supporting documents to the assigned CWS social worker for filing in the case record.

The intake and print out of CPSS screen 62 (which indicates the date of that print out, thus deterring any changes to the data) is to be filed in PART II of the case record, in chronological order with the other intakes in the case.

Supporting documents are to be filed in the case record where appropriate pursuant to departmental procedures.

#### 7.4 REPORTS OF DEATH OR SERIOUS HARM ON ACTIVE PROTECTIVE SERVICES CASES

When a report of a death or serious harm is received concerning a child who is actively receiving protective services, **(or whose case has been closed in the last 90 days)** the following procedures are to be followed, with the time lines as delineated (excludes "payment only" cases).

**"Serious"** harm is defined by an overall assessment of a safety concern or high risk on the Intake Assessment Tool **AND** a statement from a doctor that the child would have died without intervention by the department.

Follow the At a Glance Death Protocol

##### 7.4.1 Intake Responsibilities

###### Work Day 1:

- A. CWS SOCIAL WORKER: ALL reports of death or serious harm are to be transmitted to the intake CWS unit/worker. The basic information that must be supplied is as follows:
  1. Child's name and birth date.
  2. Parent's name(s) and birth date(s).
  3. Cause of death/harm, if such information is known.
  4. Any information surrounding the death/harm to the child.
  5. For serious harm reports: the name of the doctor who

states that the child would have died without intervention.

- B. **CWS SOCIAL WORKER:** The intake CWS social worker is to notify the ongoing CWS unit supervisor **immediately** upon receipt of a report of a death or serious harm. (This includes contacting the ongoing CWS supervisor after hours, weekends or holidays.) The intake CWS social worker is to inform the ongoing CWS unit supervisor of the nature of the complaint and request additional information that will help in completing the intake information.

**If the child victim is in a DHS licensed/certified placement,** the intake CWS social worker also needs to contact the licensing supervisor to inform him/her of the complaint to insure the safety of other foster children in the home.

1. A **copy** of the intake will be transmitted (either xerox copy or FAX copy) to BOTH the ongoing CWS unit supervisor and ongoing section administrator within one hour of receipt of the report, if report is received during working hours. If the report is received after hours, weekends or holidays, the copy is to be transmitted within the first hour of the next business day.
2. If the victim child is in a DHS licensed/certified out-of-home placement, a copy of the intake is also to be transmitted to the licensing supervisor within one hour of receipt or within the first hour of business, if the report is received after hours, weekends or holidays.

- C. **CWS SOCIAL WORKER;** Reports to the law enforcement:

1. **Formal police report:** Regardless of the time of the report, unless the complainant is law enforcement, the intake CWS social worker is to call police to request that an officer be dispatched to the DHS office so that a formal police report of the death or serious harm can be made which will allow the police to register the report.
2. **For serious harm reports:** If the child is **not known** to Family Court, the intake CWS social worker is to also

request that the child be placed in police protective custody and that the custody then be transferred to the department. This request is to be made REGARDLESS of whether the family is cooperative in allowing a placement of the child.

3. Once the intake is completed and reviewed by the intake CWS supervisor, DHS is to FAX a sanitized copy of the intake to law enforcement, which will serve as DHS' Felony Abuse Tracking mechanism. This action should be completed within one hour of receipt at the intake. (This includes intakes where the complainant is law enforcement.)

The location of where to FAX the copy of the intake will be dependent upon section procedures and agreements with the local law enforcement agency.

4. Send a hard copy of the sanitized intake to law enforcement.

D. **CWS SOCIAL WORKER:** Report to medical examiner's office

1. When a report of a child's death is received, the intake CWS social worker is to notify the medical examiner's office to alert that office of a death that may be suspicious or related to child abuse.
2. CWS social worker is to inform medical examiner's office that the Department will need a report of the preliminary findings regarding the cause of death.

E. **CWS SOCIAL WORKER:** The intake CWS social worker, if not prohibited by law enforcement, is to inform the family of the cross-reporting mandate and how that mandate will affect them.

F. **CWS SOCIAL WORKER:** Upon completion of the intake, the intake CWS social worker is to submit the intake to the intake CWS unit supervisor for review.

G. **CWS SOCIAL WORKER:** If the case has been closed in the

last 90 days and the case record has been sent to Closed Files, the intake CWS social worker is to submit a request to Closed Files to retrieve the case record.

- H. **SUPERVISOR:** The intake CWS unit supervisor will review the intake; insure that all protocols have been followed regarding proper notice to law enforcement family and ongoing CWS unit and send the intake to the appropriate CWS unit for investigation.

(If the maltreater of the harm is a licensed resource caregiver /daycare provider, the intake will be sent to the appropriate institutional abuse CWS social worker for investigation, with a copy to the ongoing CWS social worker, and the appropriate licensing social worker.)

#### 7.4.2 Assessment Responsibilities

The sole responsibility of the assessment social worker is to conduct the investigation in a timely manner as outlined below.

For cases active with the unit, the unit will not only investigate the report, but will **ALSO** follow all the steps as outlined in sub-section.

#### 7.4.3 Ongoing CWS unit responsibilities.

A. Work Day 1:

- 1. **SUPERVISOR:** Upon receipt of the intake, the CWS unit supervisor will assign the intake to an assessment CWS social worker within one hour of receipt.

The investigation may be conducted by a different CWS social worker at the discretion of the unit supervisor and/or Section Administrator.

- 2. **CWS SOCIAL WORKER:** The assessment CWS social worker must contact the ongoing CWS social worker for information on the case within one hour of receipt of the intake. Contact is also to be made with the law enforcement officer assigned to the case for coordination purposes.

3. **CWS SOCIAL WORKER:** The assessment CWS social worker is to contact the multidisciplinary team coordinator and request assistance in gathering any further medical information and, in the case of a report of serious harm or death of a child with surviving siblings, to alert the team that the ongoing CWS social worker will be requesting a team.
4. **CWS SOCIAL WORKER AND SUPERVISOR:** The assessment CWS social worker and supervisor are to follow the procedures set forth in the **Reports on active cases**, [Section 7.3].

B. Work Day 3:

**CWS SOCIAL WORKER:** The assessment CWS social worker is to petition the court for temporary foster custody within 72 hours of the intake if the family is **NOT known** to Family Court.

C. Work Day 4:

**CWS SOCIAL WORKER:** For death cases: Contact the medical examiner's office for a preliminary report on their findings regarding the cause of death.

CWS social worker is to request that a written autopsy report be sent to the Department upon completion.

D. Work Day 4/5:

**CWS SOCIAL WORKER:** Attend the Family Court hearing on the petition for Temporary Foster Custody.

E. Work Day 5:

1. **CWS SOCIAL WORKER:** Complete the investigation, write up disposition and submit intake, write-up (CPSS 62 screen) and supporting documents to the CWS unit supervisor for review.

If the assessment CWS social worker is not able to

complete the investigation within 5 days, a conference needs to be held with the supervisor of CWS unit conducting the assessment supervisor and the ongoing CWS unit supervisor and social worker to discuss the case and what immediate action is needed while the investigation is still being completed.

2. **SUPERVISOR:** After the assessment CWS social worker has completed his/her investigation, the assessment CWS unit supervisor will review the intake, CPSS 62, and supporting documents. The CWS unit supervisor will then sign off and send to the ongoing CWS unit for appropriate action.

- F. After assessment is sent to ongoing CWS social worker:

**CWS SOCIAL WORKER:** Attend any multi-disciplinary team that was set up to review the report and help in further services to the victim or siblings.

#### 7.4.3 Ongoing CWS Unit Responsibilities

- A. Supervisor

1. Work Day 1:
  - a. The ongoing CWS unit supervisor is to notify his/her section administrator immediately upon receipt of the report of death or serious harm.
  - b. The ongoing CWS unit supervisor is to meet with the assigned ongoing CWS social worker within one hour, or as soon as possible, of the verbal receipt of the report from the intake worker.
  - c. The ongoing CWS unit supervisor is to request from the ongoing CWS social worker the case record, as is, and "seal" the record, which means keeping the record in his/her office, in a secure location. The ongoing CWS unit supervisor is to enter a log in the CPSS, using the CPSS CA52 screen, stating that there was a report received, the date received, and that the case record has

been secured. The ongoing CWS unit supervisor is to type his/her name and date the entry.

- d. The ongoing CWS unit supervisor is to review the case record and make copies of court reports, psychological evaluations or other information that will be necessary in continuing to service the case. These copies are to be given to the ongoing CWS social worker.
  - e. The ongoing CWS unit supervisor will assess the needs of the ongoing CWS social worker and unit staff in determining the kinds of assistance needed in dealing with the child's death or serious harm.
2. Work Day 2:
- a. Maintain contact with the supervisor of the assessment CWS unit to keep abreast of the case situation.
  - b. Counsel with ongoing CWS social worker to help with issues of guilt, sadness, grief, ... Make arrangements to set up any counseling sessions that the CWS staff may need.
  - c. Inform section administrator of the current status of the case as well as the emotional status of the ongoing CWS social worker. Discuss with the section administrator whether to set up counseling for the CWS unit staff.
  - d. **For death cases:** Draft a DSSH 0615 "Internal Communication Form", **ICF**, for the signature of the CWS Branch Administrator, that will be sent to CWS staff to inform them of the case situation. The ICF should be a short summary of the status of the case at the time of death, the role of DHS and what the facts are as related to the cause of death. The purpose of this ICF is to keep the CWS staff informed of the situation. Submit the draft to the section administrator for approval and submission to Branch Administrator for final

approval.

3. Work Day 3:

- a. Submit to the section administrator, using the DSSH 0615, ICF, a short summary of the case situation with recommendations. Attach Safe Family Home Reports, supporting documents and the draft report to the court informing them of the situation, if the case is active in court. These documents are to provide the current status of the case and the events that led to the death/harm, if known.
- b. Send the case record to the section administrator, with the above ICF attached. Insure that all necessary data that will be needed to prepare any court reports are copied from the case record for the ongoing CWS social worker's management of the child while the physical case record is "sealed" and being reviewed.

4. Work Day 5:

- a. Receive the intake, CPSS 62 screen and supporting documents from the CWS unit conducting the assessment for review and proper follow up.

Discuss the disposition with the ongoing CWS social worker and put into effect any actions recommended by the assessment CWS social worker.

- b. Inform the section administrator of the outcome of the investigation by the CWS unit that conducted the assessment.

5. Work Day 6:

Assist the ongoing CWS social worker in preparing any reports needed for the court.

6. Work Day 7:
  - a. Attend the multidisciplinary team conference.
  - b. Submit a copy of the interim multidisciplinary team report to the division administrator through the section administrator.

B. Ongoing CWS Social Worker:

1. Work Day 1:
  - a. The ongoing CWS social worker is to inform the CWS unit supervisor of the current status of the case, a brief history and any information related to the report of death or serious harm.
  - b. If the case was closed in the last 90 days and the case record had been sent to Closed Files, the ongoing CWS social worker needs to have unit staff physically retrieve the case record from Closed Files, if it has not been retrieved by the intake CWS unit social worker.
  - c. The ongoing CWS social worker is to maintain contact with the assessment CWS social worker assigned to the report. The ongoing CWS social worker is to share all needed information that will assist the assessment CWS social worker in their investigation.
  - d. The ongoing CWS social worker is to submit to the unit supervisor a draft ICF that includes the basic facts of the case and attach documents, such as the Safe Family Home Reports, psychological evaluators, other supporting documents and a draft of a report to the court if the child is known to court.
  - e. The ongoing CWS social worker is then to give the case record to the CWS unit supervisor, with the draft ICF. All notes, documents and inputted dictation at the time of the report, are to be

included, as is, in the case record.

- f. For death cases that are active with Family Court, the ongoing CWS social worker is to contact the supervisor for the Family Court Special Services unit and inform him/her of the death of the child, that the case is being investigated and that the court will be notified, in writing, of the outcome of the investigation within 7 days of completion of the investigation.
- g. For cases that are (not?) known to Family Court, the ongoing CWS social worker is to contact the assigned Deputy Attorney General to inform them of the report, that the report is being investigated by the CWS unit and that when a disposition is completed, the DAG will be informed as to the legal action that will be needed, if any.

2. Work Day 2:

- a. Maintain contact with the CWS social worker conducting the assessment. Provide as much information as requested.
- b. For **serious harm** cases or cases of **death where there are surviving** siblings, call the Multi-disciplinary Team Coordinator and set up a team, to be held by the **7th day of the intake**. The purpose of this team is to review the etiology of the harm to the child and to make plans regarding the victim and any siblings that may also be at risk. Ask the team to invite the assigned DAG and GAL, if any.

3. Work Day 5:

- a. Review with the CWS unit supervisor the disposition of the assessment CWS social worker. Put into action any recommendations made by the assessment CWS social worker.
- b. Complete any needed court reports.

- i. For death cases where the child was known to the Family Court, the report needs to include the cause of death and the results of the investigation.

The assigned DAG needs to be informed of the need to file a motion for review in order to have the FC-S case closed.

- ii. For serious harm cases where the child is known to the Family Court, the report will outline the injuries, the disposition, and further plans for the child.

The assigned DAG needs to be informed of the need to file a motion for immediate review, either to change the status from Family Supervision to Foster Custody, or to update the court due to the seriousness of the harm.

- c. Share any new information with the Multidisciplinary Team Coordinator in preparation for the team conference.
- d. Resume case management control of the case.

#### 4. Work Day 7:

Attend the multidisciplinary team conference. Insure that an interim report on the team is received and remind the team that a formal report, if any, is to be completed within one week of the team. Submit the interim team report to the division administrator through channels.

It will be at the discretion of the multidisciplinary team as to whether the interim report is all that is needed or whether a formal report of the team is necessary.

#### 5. Work Day 14:

Receive a written formal report by the multidisciplinary team of the team held the week before, if the team decided to prepare one, and submit a copy of the report, through the CWS unit supervisor, to the division administrator.

### 7.4.4 Section Administrator's Responsibilities

#### A. Work Day 1:

1. Upon notification of the report of death or serious harm to an active child, immediately notify the Branch Administrator, Division Administrator and Director by FAXing the intake to the Branch Administrator.
2. Within 24 hours of the report, conference with the ongoing CWS unit supervisor to get clarification of the report and the current status of the investigation.

#### B. Work Day 2:

**For death cases:** Submit to the Branch Administrator the draft of ICF received from the ongoing unit to inform the CWS staff of the case.

#### C. Work Day 4:

1. Review the ICF, completed by the ongoing CWS unit supervisor and social worker, that was submitted with the sealed case record by the CWS unit supervisor on the third work day.
2. Submit the case record, with the ICF, to Branch Administrator, for review. Add any additional information to the ICF, as indicated.

#### D. Work Day 5:

1. After reviewing all the information, as well as receiving a verbal report as to the disposition of the assessment CWS social worker, decide whether a case conference is needed.

The case conference would be for the purposes of clarification, understanding the role of the DHS in the case or to further discuss decisions that were made in the case. The ongoing CWS unit supervisor and ongoing CWS social worker are to be in attendance, if a case conference is deemed necessary.

2. Help the ongoing CWS unit supervisor set up any requested counseling services for the unit.

E. Work Day 7:

1. Attend the multi-disciplinary team conference.
2. Receive from the ongoing CWS social worker a copy of the interim team report. Submit the interim report to the division administrator through the branch administrator.

F. Work Day 14:

Ensure that the multidisciplinary team formal report, if prepared, is received and submitted through channels, to the division administrator.

### 7.4.5 Branch Administrator's Responsibilities

A. Work Day 1:

Inform Division Administrator of the report by giving a copy of the FAXed intake received from the section administrator.

B. Work Day 3:

**For death cases:** Issue an ICF to the CWS staff informing them of the facts surrounding the case and the role of DHS.

C. Work Day 7:

After reviewing the ICF with attachments that explained the case status and the events that led to the serious harm or death as well as reviewing the "sealed" case record, ensure

that the case record, with attached ICF, is submitted to the Division Administrator.

D. Work Day 8:

Ensure that a copy of the multidisciplinary team report is submitted to the Division Administrator.

E. Work Day 14:

Ensure that the division administrator has received a copy of the formal multidisciplinary team report, if one was prepared.

**7.4.6 Division Administrator's Responsibilities**

A. Work Day 1:

1. Notify the Director. Ensure that the Director has a copy of the intake.
2. Contact individuals willing to serve on a review panel to be held on the 15th work day following the date of the report.
  - a. The makeup of the panel will be at the discretion of the Division Administrator.
  - b. Panel members shall serve without compensation and shall not be reimbursed for costs, except as defined by HRS 587.
  - c. Members of the child protective review panel shall be immune from any liability for injuries and damages arising from the panel's report.

B. Work Day 8:

Prepare the "sealed" case record for an independent panel review, to be held fifteen (15) work days after the receipt of the report of death/serious harm. The "sealed" case record and notes are to be returned to the ongoing CWS unit once

the review is completed.

C. Work Day 15:

1. Attend review panel. The review is to consist of:
  - a. Reviewing policies or procedures that appeared to work with the specific child family;
  - b. Reviewing policies or procedures that may have been problematic, unclear, or needed strengthening for the specific child/family;
  - c. Possible gaps in resource needs or services for the specific child/family;
  - d. Services that may need to be increased due to effectiveness demonstrated with the specific child/family.
2. Complete panel report by the 20th day following the child's death or receipt of report of serious abuse.

D. Work Day 20:

1. Insure that the complete written report by the review panel has been shared with the Director.
2. Schedule a meeting with Director, Branch Administrator, Division Administrator, Program Development, Section Administrator, ongoing CWS supervisor and social worker to review panel findings; this meeting should be scheduled within two weeks of the completion of the review panel's report.

E. Work Day 30:

Facilitate and attend meeting to review panel findings with Director and appropriate line staff.

**7.4.7 Program Development Responsibilities**

A. Work Day 20-30:

Attend meeting between the Director and line staff to discuss the results of the review panel.

B. Work Day 40:

1. Review findings to determine what if any changes are needed to the rules and/or procedures to improve and/or clarify child welfare service practice;
2. Insure that the ICF initiated by the ongoing CWS social worker, a copy of the multidisciplinary team report and the review panel report, as well as any documents or recommended changes, are maintained in a secure manner at the Program Development Office.

### **7.4.8 Media Inquiries**

Death and serious harm on active CPS cases may cause media interest. All media inquiries are to be directed to the office of the Director. CWS social workers and supervisors should not respond to any media questions without approval from the office of the Director.